

**Agricultural Advisory Committee Meeting  
June 18, 2019 Minutes**

**Attendance:** Patrick Jamison, Jane Evans, Ben Allnutt, Doug Lechlinder, Aliza Silver, Peter Driscoll, Michele Cropp, Linda Lewis, Eleanor Leak, Lori Larson, Angie McNally

**Staff:** Jeremy Criss

**Agenda items are in bold and minutes are not bolded.**

1. **Call the Meeting to Order: 7:06 PM**
2. **Approval of the AAC meeting minutes from May 21, 2019.** Accepted as corrected (Allnutt/Cropp)
3. **Update on the Farm Alcohol Production Facilities-We are still looking for the Memorandum of Understanding between the OAG and the Department of Permitting Services to assist with the implementation of Farm Alcohol Production. The process will work like the County Vendors Program under Chapter 47 of the County Code that goes back to 1996.**

The County Executive requested that Farm Alcohol Production should be implemented by OAG, and OAG was asked to promulgate regulations. Jeremy submitted the regulations to the county attorney upon instruction from the executive, but the attorney wouldn't certify them. So now OAG and DPS are working on an MOU. The OAG and the DPS drafted an application for anyone who wants to have farm alcohol production. The application would include a log book for events, confirmation that the property is ag assessed, demonstrating that you have a business plan, and a permit from the Maryland Comptroller. Currently waiting to hear back from the DPS on the MOU.

4. **The MNCPPC has reassigned the Agritourism Study Advisory Committee-ASAC to the Division of Research and Special Projects. Josh Penn is no longer assigned to the project because staff representatives from the Division of Research and Special Projects are taking the lead role. The ASAC met on May 29, 2019 and a second meeting is scheduled for June 26, 2019.**

The new P&P team has been getting up to speed with the consultant's recommendations and the committee's responses to the consultant.

5. **The Full County Council approved the FY20 OAG Operating Budget supporting the Planning Housing and Economic Development Committee recommendations to restore the \$34,000 reduction. If the Edward Byrd Family Foundation provides funding for the Maryland Agricultural Education Foundation-MAEF program, the Council recommended that OAG should use the restored \$34,000 for some other agricultural initiative. The 2018 funding from the Edward Byrd Family totaling \$50,000 to the**

**MAEF was used for schools outside of Montgomery County. The County Council also recommended that an additional \$15,000 be appropriated to OAG to expand the MARBIDCO Cost Share Matching Grant Program.**

The 4% reduction was restored by the Council. An additional \$15,000 was allocated for the MARBIDCO and County Matching Grant program. The OAG has engaged with MAEF for the mobile lab to visit schools for September to June. If the Byrd Foundation does allocate money specifically for Montgomery County Schools, then there's a clause in the contract that says OAG can use the money that would have been spent on the mobile lab and use it for other agricultural initiatives.

MARBIDCO is the Maryland agricultural resource business industry development corporation, a quasi-public private entity that does many things including the next generation farmer program, where they will loan you 51% of the purchase price for your property contingent upon you making an application to a state or local farmland preservation program so that when the mortgage is settled, it would be encumbered by an easement and the MARBIDCO money would be paid back. The next generation could then pay down the deed and then the farm can only be used for agricultural purposes. This program is designed for smaller sized farms that normally yield very few development rights. The County does not permit farms less than 50 acres into preservation because our Agricultural Reserve Zoning is one house per 25 acres. The County does not preserve farmland where no house exists or when a house can ever be build-orphan lots. MARBIDCO also has a cost sharing matching program, and anyone is eligible to apply; not only new or small-scale farmers. It can be used for anything, including deer fencing.

- 6. The Sugarland Broadband Pilot Phase I along Partnership Road is completed and the residents service for Broadband and TV has been activated. The remaining residents in the Pilot are continuing to demand why they have not received service. The phase II of the project coming down Sugarland Road is scheduled to begin soon. There are still some residents that will not sign the Comcast easement and this negatively impacts the other residents downstream that want the Comcast Service-Barbara Weitzer and her daughter and son-law. The community leaders have decided to call out the residents that are negatively impacting their neighbors and this outcome may be problematic. There will be a ribbon cutting ceremony at some point.**

<https://montgomerycountymd.gov/cable/Sugarland/sugarland-comcast.html> The County has applied to the USDA for grant funding to expand broadband into the Agricultural Reserve. The grant funding will be used to determine the next area within the Agricultural Reserve where Broad band will be expanded. The County will continue to work with residents that want to help and represent the community by replicating the success of the Sugarland Pilot.

The residents who are downstream are not getting broadband and are upset and demanding the names of the people who are blocking their access, but County is not releasing any names.

Comcast is looking forward to starting Phase II of the project which will be aerial installation pole to pole. This outcome will limit the number of additional properties they will provide internet to along Montevideo Road. The County and Comcast are thinking of alternative routes the lines could take.

- 7. Update on the River Road Improvements- We are waiting for a date and time when Marc Elrich is available to attend a second community meeting with the 19 residents that live along the gravel portion of River Road. The Friends of Rustic Roads have posted a face book page that focuses on the new owners that live along the road. Linda Lewis sent a letter to the County Executive and County Council explaining how the dust is negatively impacting their farming operation including farm income.**

Michele has not gotten a response from her April 15 letter to Marc Elrich requesting a date and time for a second community meeting with the 19 residents affected. Dale Tibbitts, Special Assistant to Elrich, said the County wouldn't be paving the surface of River Road, but would be stepping up the treatment of magnesium carbonate. Members of the AAC agreed that that is not an effective nor long term solution to the problem.

Linda would like to write a letter to the Governor complaining about the tractor traffic accidents and danger to life. She emphasized that ag is the preferred land use in the ag reserve, but since the county has chosen not to take care of the roads, they cannot sustain farming there. She cannot sell produce with grit in it.

MCA and SCA and the friends of the rustic road may pose challenges to these improvements that support the sustainability of our farms.

The committee discussed how in the 1970s many of the County roads were paved because it was discovered that the gravel from the travilah quarry, used on many of the roads, had asbestos in it. The committee discussed setting up a video camera that would record what the dust situation looks like to present to the Executive.

Perhaps we should contact Mike Rubin who would likely support paving River Rd.

It was suggested that the Rustic Roads Advisory Committee should be invited to attend an upcoming meeting with the AAC and the Montgomery County Farm Bureau. Both Andrew Friedson and Craig Rice were copied on the letters that Michele and Linda sent on this issue

- 8. Update on the County DEP and the Sugarloaf Citizens Association-SCA to allow approximately 18 acres associated with the County owned Linden Farm and Barn to be used for Regenerative farmers. There is a second property totaling 25 acres owned by the County (c/o DEP) will announce a RFP to find a Regenerative tenant farmer. These two properties represent a precedent where public lands will be available for regenerative farmers as compared to commodity farmers. The OAG is assisting John Jamison to explore whether he can be granted a short-term lease permit to farm the 25 acres for just the 2019 growing season and prior to the decision on the RFP. Here is what is posting on SCA Facebook page.**

The SCA will be looking to find a regenerative farmer for Linden Farm and Barn because they have a lease for that property. The DEP contacted OAG to assist with a 25-acre field (Webb Track) and announcement for a bid process to lease the field and this will take some time to finalize.

9. **Maryland Court Ruling on Bill 52-14 Pesticide Prohibition: The Pesticide Ban went into effect May 2, 2019 the same day as the decision of Maryland Court of Special Appeals. An Appeal to the Maryland Cort of Appeals was filed which means the Pesticide Ban is suspended pending the outcome of the appeal.**

<https://www.courts.state.md.us/data/opinions/cosa/2019/1203s17.pdf>

The appeal was filed on May 2 when the ruling came down. The County's position is that on that day, the pesticide ban came into effect. UMD extension was doing programs telling residents that until further notice none of the pesticides on the prohibited list are allowed in the County. Based on Marc Hansen's (county attorney) opinion, the ban is on hold pending the appeal. There is a lot of confusion among farmers about the status of the ban.

10. **ZTA 19-04 Animal Boarding and Care-Residential zones: This ZTA will allow Animal Boarding and Care as Limited use in the Residential zones. Currently Animal Boarding and Care requires a conditional use of approval. The OAG recommends that the agricultural organizations do not need to participate in the discussions surrounding this ZTA 19-04.**

<https://www.montgomerycountymd.gov/COUNCIL/Resources/Files/zta/2019/ZTA%2019-04.pdf>

Animal care and boarding will now be allowed in residential zone as a limited use. Property owners won't need a special exception (conditional use approval) anymore. This does not interfere with ag at all.

11. **The Planning Housing and Economic Development-PHED Committee will discuss Pesticide Use in Parks on Monday July 8, 2019 @ 9:30 am. This may be related to the letters that MNCPPC sent out in December 2018 to farmers that lease farmland owned by MNCPPC?**

Some farmers may want to be there. Jeremy will be out of town, but others from OAG will be there.

12. **Montgomery County's Agricultural Land Preservation Certification Report for FY15-18 has been approved by the Maryland Department of Planning and the Report will be presented to the Maryland Agricultural Land Preservation Foundation for final approval on June 25, 2019.**

Certification means that Montgomery County can collect 75% of what has been collected and only have to remit 25% to the state. We are now certified for another 5 years. Eric Luedtke proposed House Bill 620 that changed the 3-year certification to 5 year at the state level.

13. **Please make sure you take a copy of the PLENTY Magazine first issue that I received today. This free magazine is funded by advertising and it will help to promote the Agricultural Reserve and the farming families in Montgomery County that are featured**

**in this issue. If you and your family are interested in being featured in a future issue, please contact Jane and Wib:**

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**14. Additional Items**

- a.** Jeremy was asked by MCA to write a letter to the chairman of the planning board along with letters submitted by Royce Hanson and Mike Rubin. The letters take issue with private covenants on the 840 acres sold to NV Home in 2010, which need to be removed and abandoned because they violate the terms of the zoning. Jeremy is fine with writing a letter but he does not want to comment on the issue of density.
- b.** The OAG would like to show the Angus Documentary-Losing Ground that Michele and Randy are featured during the ag fair. Maybe Kira could put up a teaser and link on the OAG Facebook page. Maybe we could get Maryland Public Television or Maryland Farm and Harvest to air the program.

**15. Adjournment:** 8:45 pm (Lewis/Cropp).